

REMARKS

Claims 1-15 are all the claims pending in the application.

By this Amendment, Applicant has added new claims 16-19. Thus, Claims 1-19 are now pending in the subject application. In response to the Office Action mailed December 14, 2005, Applicant respectfully submits that pending claims 1-19 define patentable subject matter.

Applicant is filing concurrently herewith a Petition for a Two-Month Extension of Time, thereby extending the time for responding to the Office Action to May 14, 2006.

The present application provides call screening in network based voicemail systems. That is, the invention allows a called party to filter incoming calls by hearing a caller's voice as the caller leaves a message and then deciding on whether to pick up the call and talk to the caller or to let the caller finish recording the message. As described on page 9 of the application, when the source and/or the target phones (see Fig. 2) operate over the PSTN, both data and control signals are routed together via a trunk switch, since media cannot be redirected to a different endpoint after the call was answered without also redirecting the signaling. This requires the media stream between the source and target phones to be bridged by the voicemail system, and this, in turn, requires the voice mail system to be customized to allow such bridging.

However, if both the source and target phones operate under VoIP, then media can be redirected to different endpoints after the call is answered and this permits signaling between the source and target phones to be bridged via a screening server, while allowing the media to be routed directly between the source and target phone after the called part selects to receive the call. Fig. 3 shows such a system in which both source and target phones operate under VoIP.

Amendment Under 37 C.F.R. § 1.111
Serial No.: 10/786,393
SUGHRUE MION, PLLC Ref: Q79422

As described on page 10 of the application, the source telephone 31 obtains the IP address of the target phone 32 so that voice data packets can be exchanged directly with any need for the packets to be conveyed via the soft switch or proxy 33. This is distinct from the PSTN where media is conveyed between two end-points via the trunk switch.

Claims 1, 2-5, 7-12, 14 and 15 were rejected under 35 U.S.C. § 102 as being anticipated by Varney (USP 6,310,939). Claims 4 and 5 were rejected under 35 U.S.C. §102 as being anticipated by Gardell (USP 6,031,896). Finally, claims 2, 6 and 13 were rejected under 35 U.S.C. § 103 as being obvious from Varney in view of Pugaczewski (USP 5,450,488).

Applicant respectfully traverses these 35 U.S.C. § 102 and 103 rejections.

By this Amendment, Applicant has amended each of claims 1, 8, 9 and 12 to recite that at least one of the source and target telephones operates under VoIP. Regarding the rejection based on Varney, it is noted that the Varney patent is described on page 2 of the present application. Varney does teach screening a call, and allowing the called party to hear the caller's voice as the caller leaves a message and to break in to start a normal telephone discussion if desired. However, as pointed out in the present application, Varney is directed to PSTN networks. Such networks suffer from the disadvantage of requiring Advanced Intelligent Network Capabilities from the switch, which is not necessarily supported by all switches. As indicated above, Applicant has herein amended each of claims 1, 8, 9 and 12 to recite that "at least one of the source and target telephones operates under VoIP". Applicant respectfully submits that these amended claims distinguish clearly over the PSTN network described in Varney. Further, as

discussed above, the PSTN network describe in Varney suffers from disadvantages not found in the VoIP network, as defined in these independent claims.

Regarding the rejection of independent claims 3, 10, 11 and 14, it is noted that each of these independent claims recites the use of a screening server. Accordingly, these claims also clearly distinguish from the PSTN network described in Varney.

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections based on Varney. In particular, the Varney reference is directed to a PSTN network and therefore does not anticipate nor render the present independent claims obvious.

Regarding the 35 U.S.C. §102 rejection of claims 4 and 5 based on Gardell, this patent also teaches screening a call, and allowing the called party to hear the caller's voice as the caller leaves a message and to break in to start a normal telephone discussion if desired. However, referring to pages 6-7 of the Office Action wherein the Examiner sets out his reading of claims 4 and 5 relative to Gardell, it is respectfully submitted that the Examiner has failed to demonstrate that Gardell teaches the feature of conveying to the source telephone a response from the Value Added Service that has embedded therein media parameters identifying the Value Added Service, as clearly recited in claim 4. In fact, Applicant respectfully submits that there is no teaching or suggestion in Gardell in which the voicemail system conveys such media parameters to the source telephone. Moreover, Applicant submits there is no teaching in Gardell of routing all media between the source and the target telephone in response to an accept call instruction

Amendment Under 37 C.F.R. § 1.111
Serial No.: 10/786,393
SUGHRUE MION, PLLC Ref: Q79422

received from the target telephone. Consequently, for at least these reasons, Applicant respectfully submits that Gardell neither anticipates nor renders claims 4-5 obvious.

The Pugaczewski patent was cited simply for allowing a caller to record different messages. The teachings of Pugaczewski do not remedy the deficiencies of Varney as applied to the present claims. Therefore, Applicant respectfully submits that the 35 U.S.C. §103 rejection of record should be withdrawn.

By this Amendment, Applicant has added new dependent claims 16-19. Each of these claims recite that each of the source and target telephones operates under VoIP. Applicant respectfully submits that dependent claims 16-19 define patentable subject matter over the cited prior art of record.

Should the Examiner believe that anything further is necessary to place the subject application in condition for allowance, he is kindly requested to contact Applicant's undersigned attorney listed below.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment Under 37 C.F.R. § 1.111
Serial No.: 10/786,393
SUGHRUE MION, PLLC Ref: Q79422

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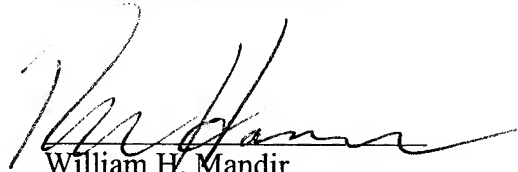
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